

Appl No.: 09/315,680

Filed: May 20, 1999

Page 18

REMARKS/ARGUMENTS

The Official Action dated November 4, 2004 was received by the Applicants in the above-referenced subject Application. The Application is a reissue application of U.S. Patent No. 5,631,827 that was issued on May 20, 1997. In July 2002 the claims of this reissue application were found to be patentable over the prior art of record. The Application was then subjected to a second review because of its re-classification in the reissue application as a business method.

In an Official Action dated February 5, 2004, all of the claims (1-89, 99 and 100) of the Application (including claims 1-12 that were allowed in the original patent before filing of the present reissue application) were rejected as being anticipated by prior art. In a response filed April 30, 2004, Claims 69 and 70 were canceled, Claim 86 was amended, and new Claims 101, 102, 103, and 104 were added. Following that response, Claims 1-68, 71-89, and 99-104 were pending.

In the present Official Action, all the previous prior art rejections have been withdrawn; however, all the claims (claims 1-68, 71-89, and 99-104) are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response to this Official Action, amendment of Claims 1, 2, 5, 6, 7, 10, 11, 13-54, 58-61, 65, 66, 71-73, 80-89, 99, 100, and 103-104 is requested, and claims 1-68, 71-89, and 99-104 remain pending.

Appl. No.: 09/315,680
Filed: May 20, 1999
Page 19

In The Claims

Telephone Interview:

On January 25, 2005, Applicant's counsel, Mr. Jeffery E. Young (USPTO Registration No. 28,490) and Mr. David A. Cornett (USPTO Registration No. 48,417), both of Alston & Bird LLP in Atlanta, Georgia, conducted a telephone interview with Examiner Poinvil in regard to the objections and rejections found in the November 4, 2004 Official Action. In the telephone interview it was agreed that all the changes shown in the claims herein and discussed below are acceptable, with the following exceptions; the continued use of the term "tool" in the preamble to claims 1-12, the continued use of the term "shipments" in claims 3 and 15, the continued use of the term "packages" in claims 4 and 16, and the continued use of the term "adjustments" in claim 6. Examiner Poinvil has agreed to give due consideration to our arguments provided herein to keep the term "tool" in the preamble to claims 1-12, keep the term "shipments" in claims 3 and 15, keep the term "packages" in claims 4 and 16, and keep the term "adjustments" in claim 6. Applicants wish to express their sincere appreciation to Examiner Poinvil for his time, insight and cooperation provided in the telephone interview.

Claim Objections:

The Official Action provides:

1. Claims 3, 4, 15, 16, 61 and 79 are objected to because of the following informalities:

As per claim 3, line 2, "shipments" should be changed to -shipment—for better readability purposes.

As per claim 4, line 2, "packages" should be changed to -package—for better readability purposes.

As per claim 15, line "shipments" should be changed to -shipment—for better readability purposes.

As per claim 16, line 2, "packages" should be changed to -package—for better readability purposes.

As per claim 61, the Examiner suggest changing "customers" to -customers' inputted destinations—for clarity purposes.

As per claim 79, "a" should be inserted before "message" for better readability purposes.

Appropriate correction is required.

Appl. No.: 09/315,680

Filed: May 20, 1999

Page 20

The Applicants appreciate the Examiner's remarks regarding Claims 3, 4, 15, 16, 61 and 79. Subsequent to the Examiner's comments, Claims 61 and 79 have been amended as suggested, and pursuant to the telephone interview described above, Applicant's respectfully provide reasons herein for not amending claims 3, 4, 15, and 16 as proposed in the Official Action.

Claim Rejections (35 USC § 112, second paragraph):

The Official Action provides that Claims 1-68, 71-89, and 99-104 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each claim rejection specifically identified in the Official Action is addressed below, along with any claim amendments and any applicable comments to the rejection subsequent to the telephone interview.

The Official Action provides:

As per claims 1-54, line 1, "tool" has been changed to ~~—system—~~ because it is unclear as to what a tool is when used in this context.

Applicants provide that "tool" is used in one of its ordinary meanings, that being: "a means to an end."¹ Therefore, no specific definition of the term "tool" is required in the application. However, the specification does include support for the term "tool." Column 3, lines 29-31 of the specification provides: "The logistics system of the invention serves as a *management tool* for the automated order processing, packaging, slipping and transportation of goods." The applicants intended this non-limiting preamble description to refer to a "management tool" that helps a shipper process the shipping of goods. Therefore, Applicants respectfully submit that the term "tool" is used properly in claims 1-54 and its use is clear from both the context of its use and the specification.

¹ Webster's Ninth New Collegiate Dictionary, Merriam-Webster, Inc., 1985.

Appl. No.: 09/315,680

Filed: May 20, 1999

Page 21

Without any inconsistency, applicants have amended claims 13-54, 71-89, 99, and 103 to replace the term "tool" in the preamble to these claims with the term "system" and to change any instance of the term "tool" found in the body of those claims to the term "system." "System" is in fact also an appropriate preamble description for the claimed invention. (See Specification Column 3, lines 29-31, quoted above.)

The Official Action provides in regard to Claim 1, that:

As per claim 1, line 6, "plurality has been inserted before "rate". Also, on line 8, "plurality of" has been inserted before "rate." On line 10, "the rate computation rules" lack clear antecedent basis. On line 11, it is unclear how the logistics management tool comprising at least one client application to interact with the logistics management tool. On line 13, ~-plurality of - - has been inserted before rate.

As agreed to in the telephone interview and as a result of further checking for antecedent basis issues, Claim 1 has been amended as shown below:

Claim 1. (Currently Amended) A logistics management tool to facilitate the process of shipping goods by a shipper via a selected one of a plurality of carriers, comprising:

a plurality of rate servers comprising computer-implemented rate storage and calculating means, at least one rate server for each of said plurality of carriers, at least one of said rate servers having message processing means for sending, receiving and handling messages;

at least one of said rate servers having database means for maintaining a record of [[the]] rates applicable to a given one of said carriers and further having an embedded set of predefined methods representing [[the]] rate computation rules of said given one of said carriers;

at least one client application comprising computer-implemented input and output means separate from said rate servers and having a user interface to permit the shipper to ~~interact with said logistics management tool in order to~~ process [[the]] shipments of goods;

at least one of said rate servers having a shipper interface means for defining a set

Appl. No.: 09/315,680

Filed: May 20, 1999

Page 22

of operations accessible to said client application; the set of operations representing [[the]] a procedure by which the shipper ships goods to thereby isolate the set of operations by which a shipper ships from [[the]] rules by which a carrier transports;

at least one supervisory server for integrating operations of said at least one rate server, and for making said operations accessible to said client application, said supervisory server having message processing means for sending messages to and receiving messages from said at least one rate server and said client application and for handling messages sent and received based upon a predefined set of rules.

Applicants submit that the amendments to Claim 1 are made only for purposes of clarity. Removal of the word "the" before "rates applicable" in the second paragraph and removal of the word "the" before "shipment of goods" in the third paragraph and changing "shipment of goods" to "shipments of goods" also in the third paragraph are simple antecedent basis corrections. Likewise, replacing "the" with "a" before "procedure" in the fourth paragraph and removing the word "the" from before the word "rules" corrects simple antecedent basis issues. Also, removal of the word "the" before "rate computation rules" and addition of "at least one" before "rate server" in the last paragraph are simple antecedent basis corrections. During the telephone interview it was agreed that the use of the phrase "at least one rate server" as found at lines 6 and 8 is consistent with the use of the phrase "a plurality of rate servers" as found in the first paragraph and that the addition of "at least one" in the last paragraph would no longer necessitate the addition of "plurality of" before "rate" at line 13 and would be consistent with the use of the phrase "at least one rate server" as found at lines 6 and 8. In the third paragraph, the unnecessary phrase "interact with the logistics management tool in order to" has been deleted before "process the shipment of goods." While the Official Action states "it is unclear how the logistics management tool comprising at least one client application to interact with the logistics management tool," the original language could not reasonably be interpreted to describe an interface between the client application and the logistics management tool. The claimed logistics management tool has a user interface that is associated with the client application and permits the shipper to process the shipment of goods. The applicants assert that this is the meaning of the language in question both in the original patented claim and in the claim as presently amended.

Appl. No.: 09/315,680

Filed: May 20, 1999

Page 23

After the present amendment, the clear fact that the user interface permits interaction with the logistics management tool is inherent, rather than express. Thus, subsequent to the changes made to this Claim 1, the scope of the claim is identical to the claim's scope before amendment even though identical words are not used, such that the claim is substantially identical with Claim 1 as it appeared in the original patent.

Claim 2 is amended to include - - a - - between "comprising" and "scripting" to read:

Claim 2. (Currently Amended) The tool of claim 1 further comprising a scripting system communicating with said client application for modifying at least one of said set of operations representing the procedure by which the shipper ships goods.

Applicants submit that the amendment to Claim 2 is made only for purposes of clarity. Subsequent to the change made to this Claim 2, the scope of the claim is identical to the claim's scope before amendment even though identical words are not used such that the claim is substantially identical with the original patent.

The Official Action objects to Claims 3 and 15, providing that:

As per claim 3 [and 15], line 2, "shipments" should be changed to - - shipment - - for better readability purposes.

While the Official Action objects to the use of the term "shipments" in Claims 3 and 15 "for better readability purposes," the term "shipments" as used in these claims is in specific reference to a "shipments client" as found in the specification (Column 7, lines 47-57):

Shipments Client

Shown in FIG. 4A, the Shipments client accepts user input for the routing, rating and documentation of a group of packages comprising a shipment. Multiple shipper accounts are allowed and the desired account may be selected from the Shipper "drop-box." Similarly, the service is selected from the Service box. Alternatively, the service may be set to Best Way and the system

Appl. No.: 09/315,680

Filed: May 20, 1999

Page 24

will choose the least cost carrier which meets the transit time requirements indicated in the commitment field.

Respectfully, Applicants assert that the use of the phrase "shipments client" in Claims 3 and 15 should be retained as such phrase is fully supported by the specification and to change the term to "shipment" may introduce ambiguity into the claims.

The Official Action objects to Claims 4 and 16, providing that:

As per claim 4 [and 16], line 2, "packages" should be changed to - - package - - for better readability purposes.

While the Official Action objects to the use of the term "packages" in Claims 4 and 16 "for better readability purposes" the term "packages" is used in these claims in specific reference to a "packages client" as found in the specification (Column 8, lines 12-19):

Packages Client

Shown in FIG. 4B, the Packages client is designed to facilitate the entry and processing of shipments which typically consist of single small packages. Although, like most other clients, it will handle multiple modes of shipment, it is best suited for single piece shipments. If a multi-piece shipment is encountered, the user may touch CTRL-M or click the Multi button and the shipment is accommodated

Respectfully, Applicants assert that the use of the phrase "packages client" in Claims 4 and 16 should be retained as such phrase is fully supported by the specification and to change the term to "package" may introduce ambiguity into the claims.

The Official Action provides in rejecting Claim 5 that:

As per claim 5, line 2, "client applications" should be changed to - - at least one client application - - since applicant has not previously recited having a plurality of client applications.

In accordance with the agreements reached in the telephone interview, Applicants hereby amend Claim 5 as shown:

Appl. No.: 09/315,680

Filed: May 20, 1999

Page 25

Claim 5. (Currently Amended) The tool of claim 2 wherein said scripting system is a script administration client comprising ~~one~~ of said client application[[s]].

Applicants submit that the amendments to Claim 5 are made only for purposes of clarity and to overcome a 35 USC 112, second paragraph rejection. Subsequent to the changes made to this Claim 5, the scope of the claim is identical to the claim's scope before amendment even though identical words are not used such that the claim is substantially identical with the original patent.

The Official Action rejects Claims 6, providing that:

As per claim 6, line 2, "adjustments" should be changed to -- adjustment --.

While the Official Action rejects to the use of the term "adjustments" in Claim 6, the term "adjustments" is used in these claims in specific reference to a "rate adjustments client" as found in the specification (Column 8, lines 33-45):

UPS Rate Adjustments

Referring to FIG. 4D, the UPS Rate Adjustments program object and substantially similar objects for each of the carrier rate servers installed on the system, allow the user to adjust the discounts and incentive programs extended to the shipper by the carrier. Existing discounts may be edited, or new incentive programs not yet envisioned by the carrier may typically be created by the user within the flexible structure of this client type. Adjustments may be qualified by destination (either zone, postal code or destination country) and by weight range. Adjustments may be calculated as percentages or fixed amounts and include or exclude special service fees. If desired multiple adjustments may be created and put into effect.

Respectfully, Applicants assert that the use of the phrase "adjustments client" in Claim 6 should be retained as such phrase is fully supported by the specification and to change the term to "adjustment" may introduce ambiguity into the claims.

Appl. No.: 09/315,680

Filed: May 20, 1999

Page 26

Furthermore, Claim 6 is amended to replace "the" between "allow" and "user" with - - a - - to read:

Claim 6. (Currently Amended) The tool of claim 1 wherein said client application comprises a carrier rate adjustments client having a user interface operable to allow [[the]] a user to alter the predefined methods representing the rate computation rules.

Applicants submit that the amendment to Claim 6 is made only for purposes of clarity. Subsequent to the change made to this Claim 6, the scope of the claim is identical to the claim's scope before amendment even though identical words are not used such that the claim is substantially identical with the original patent.

Claim 7 is hereby amended to add - - a - - between "comprising" and "document" as shown below:

Claim 7. (Currently Amended) The tool of claim 1 further comprising a document server for providing printing services to said client application.

Applicants submit that the amendment to Claim 7 is made only for purposes of clarity. Subsequent to the change made to this Claim 7, the scope of the claim is identical to the claim's scope before amendment even though identical words are not used such that the claim is substantially identical with the original patent.

Claim 10 is amended to insert - - an - - between "comprising" and "external" to read:

Claim 10. (Currently Amended) The tool of claim 1 further comprising an external processing manager for providing communications services to permit said client application to request and receive data from an external database not supervised by said supervisory server.

Applicants submit that the amendment to Claim 10 is made only for purposes of clarity. Subsequent to the change made to this Claim 10, the scope of the claim is identical to the claim's

Appl. No.: 09/315,680

Filed: May 20, 1999

Page 27

scope before amendment even though identical words are not used such that the claim is substantially identical with the original patent.

In accordance with the agreement reached in the telephone interview, Applicants hereby amend Claim 11 as shown:

Claim 11. (Currently Amended) The tool of claim 10 ~~wherein said logistics management tool is installed under~~ , further comprising an operating system which provides a command interpreter facility and wherein said external processing manager interfaces with said operating system to use said command interpreter facility to provide said communications services.

Applicants submit that the amendments to Claim 11 are made only for purposes of clarity. Subsequent to the changes made to this Claim 11, the scope of the claim is identical to the claim's scope before amendment even though identical words are not used such that the claim is substantially identical with the original patent.

Claims 13-54, 71-89, 99, and 103 are hereby amended to replace the term "tool" as found in the preamble to those claims with the term - - system - - and to replace any instance of the term "tool" found in the body of those claims to the term - - system - -.

The Official Action provides in regard to the rejection of Claim 13, that:

As per claim 13, line 8, "the rate computation rules" lacks clear antecedent basis. On line 10, - - a - - should be inserted before "user interface" for better readability purpose. Online 16, "a" on both occurrences should be changed to - - said - -.

In accordance with the agreement reached in the telephone interview and as a result of further checking for antecedent basis issues, Applicants hereby amend Claim 13 as shown:

Appl. No.: 09/315,680

Filed: May 20, 1999

Page 28

Claim 13. (Currently Amended) A logistics management ~~[[tool]]~~ system to facilitate the process of shipping goods by a shipper via a carrier, comprising:

a rate server comprising computer-implemented rate storage and calculating means, said rate server having message processing means for sending, receiving and handling messages;

said rate server having database means for maintaining a record of ~~[[the]]~~ rates applicable to said carrier and further having an embedded set of predefined methods representing ~~[[the]]~~ rate computation rules of said carrier;

at least one client application comprising computer-implemented input and output means separate from said rate server and having a user interface to permit the shipper ~~to interact with said logistics management tool in order~~ to process ~~[[the]]~~ shipments of goods;

said rate server having a shipper interface means for defining a set of operations accessible to said client application; the set of operations representing ~~[[the]]~~ a procedure by which the shipper ships goods to thereby isolate the set of operations by which ~~[[a]]~~ said shipper ships from ~~[[the]]~~ rules by which ~~[[a]]~~ said carrier transports;

at least one supervisory server for integrating operations of said rate server, and for making said operations accessible to said client application, said supervisory server having message processing means for sending messages to and receiving messages from said rate server and said client application and for handling messages sent and received based upon a predefined set of rules.

The Official Action provides in regard to Claim 17:

As per claim 17, line 2, "client applications" should be changed to -- at least one client application -- since applicant has not previously recited having a plurality of client applications.

In accordance with the agreement reached in the telephone interview, Applicants hereby amend Claim 17 as shown:

Claim 17. (Currently Amended) The ~~[[tool]]~~ system of claim 14 wherein said scripting system is a script administration client comprising ~~one of~~ said client application~~[[s]]~~.

Appl. No.: 09/315,680

Filed: May 20, 1999

Page 29

Claim 18 is hereby further amended for clarity and as a result of checking for antecedent basis issues to replace "the" between "allow" and "user" with - - a - -, as shown below:

Claim 18. (Currently Amended) The ~~[[tool]]~~ system of claim 13 wherein said client application comprises a carrier rate adjustments client having a user interface operable to allow ~~[[the]]~~ a user to alter the predefined methods representing the rate computation rules.

Claim 20 is hereby further amended to change "include" to "includes" as shown below:

Claim 20. (Currently Amended) The ~~[[tool]]~~ system of claim 19 wherein said printing services ~~includes~~ includes printing documents generated to effect shipment.

Claim 22 is hereby further amended to add - - an - - between "comprising" and "external" as shown below:

Claim 22. (Currently Amended) The ~~[[tool]]~~ system of claim 13 further comprising an external processing manager for providing communications services to permit said client application to request and receive data from an external database not supervised by said supervisory server.

The Official Action provides in regard to Claim 23 that:

As per claim 23, lines 1-2, it is unclear as to how "The tool of claim 22 wherein said logistics management tool" is being referred to the "logistics management tool" being recited in the preamble of claim 22 or claim 13. Such a language renders the claim vague and indefinite.

In accordance with the agreement reached in the telephone interview, Applicants hereby amend Claim 23 as shown:

Claim 23. (Currently Amended) The ~~[[tool]]~~ system of claim 22 ~~wherein said logistics management tool is installed under~~ further comprising an operating system which provides a command interpreter facility and wherein said external processing manager interfaces with said operating system to use said command interpreter facility to provide said communications services.

Appl. No.: 09/315,680

Filed: May 20, 1999

Page 30

The Official Action provides in regard to Claim 32:

As per claim 32, the Examiner suggests inserting - - rules, regulations and" before "practices" in order to avoid lack of antecedent deficiency in claim 33.

In compliance with the Examiner's suggestions, Applicants amend Claim 32 as follows:

Claim 32. (Currently Amended) The ~~[[tool]]~~ system of claim 27, wherein the set of rules by which the shipper ships comprises a knowledge base of shipper's rules, regulations and practices pertaining to the shipper.

The Official Action provides in regard to Claim 37 that:

As per claim 37, it is unclear as to how "the tool of claim 35" is referring to the "logistics management tool". Such a language renders the claim vague and indefinite.

In accordance with the agreement reached in the telephone interview, Applicants hereby amend Claims 37 and 38 as shown:

Claim 37. (Currently Amended) The ~~[[tool]]~~ system of claim 35, further comprising an external processing manager for interfacing ~~the logistics management tool~~ with external data bases or other application programs.

Claim 38. (Currently Amended) The ~~[[tool]]~~ system of claim 35, further comprising a device manager for interfacing ~~the logistics management tool~~ with external peripheral devices.

The Official Action provides in regard to Claim 42 that:

As per claim 42, line 3, "the rates" should be changed to - a plurality of rates - - in order to avoid lack of antecedent deficiency. Also on lines 4-5, "The rate computation rules" lacks a clear antecedent basis. It is unclear how the logistics management tool comprises a client application having a user interface to permit the shipper to interact with the logistics management tool. Such a language renders the claim vague and indefinite.

In accordance with the agreement reached in the telephone interview and as a result of further checking for antecedent basis issues, Applicants hereby amend Claim 42 as shown:

Appl. No.: 09/315,680

Filed: May 20, 1999

Page 31

Claim 42. (Currently Amended) A logistics management ~~[[tool]]~~ system to facilitate the process of shipping goods by a shipper via a carrier, comprising:

a rate server having a record of ~~[[the]]~~ one or more rates applicable to said carrier and further having an embedded set of predefined methods representing ~~[[the]]~~ a rate computation rules of said carrier, said rate server being connected to a network for sending, receiving and handling messages;

at least one client application connected to said network and is separately located from said rate server on said network, said client application having a user interface to permit the shipper to ~~interact with said logistics management tool in order to process~~ process ~~[[the]]~~ shipments of goods;

said rate server having a shipper interface for defining a set of operations accessible to said client application, the set of operations representing ~~[[the]]~~ a procedure by which the shipper ships goods to thereby isolate the set of operations by which a shipper ships from ~~[[the]]~~ rules by which a carrier transports; and

at least one supervisory server for making said operations of said rate server accessible to said client application, said supervisory server being connected to said network for sending messages to and receiving messages from said rate server and said client application and for handling messages sent and received based upon a predefined set of rules.

The Official Action provides in regard to Claims 51 and 52 that:

As per claim 51 [and 52], lines 1-2, it is unclear as to how "the tool" comprises an external processing manager for interfacing with the logistics management tool with external databases. Such a language renders the claim[s] vague and indefinite.

In accordance with the agreement reached in the telephone interview, Applicants hereby amend Claims 51 and 52 as shown:

Claim 51. (Currently Amended) The ~~[[tool]]~~ system of claim 49 further comprising an external processing manager for interfacing ~~the logistics management tool~~ with external data bases or other application programs.

Claim 52. (Currently Amended) The ~~[[tool]]~~ system of claim 49 further comprising a device manager for interfacing ~~the logistics management tool~~ with external peripheral devices.

Appl. No.: 09/315,680

Filed: May 20, 1999

Page 32

The Official Action provides in regard to Claim 58 (although Claim 57 is identified in the Official Action), that:

As per claim 57 [58], line 2, "the predefined request message" lacks clear antecedent basis. Also, on line 4, "the predefined response message" lacks clear antecedent basis.

In accordance with the agreement reached in the telephone interview, Applicants hereby amend Claim 58 as shown:

Claim 58. (Currently Amended) The method of claim 57, wherein:

the predefined request message includes a weight and delivery date for a package to be shipped; and

the predefined response message includes a cost for shipping the package.

The Official Action provides in regard to Claim 61 that:

As per claim 61, the Examiner suggests changing "customers" to -- customers' inputted destinations -- for clarity purposes.

In accordance with the Examiner's suggestions, Applicants hereby amend Claim 61 as shown:

Claim 61. (Currently Amended) The method of claim 60, wherein the knowledge base of the shipper's practices includes rules for taking orders for goods from customers, packaging the goods, and shipping the goods to customers' inputted destinations.

The Official Action provides in regard to Claim 65 that:

As per claim 65, lines 2-3, "the logistics management tool" lacks clear antecedent basis.

In accordance with the agreement reached in the telephone interview, Applicants hereby amend Claim 65 as shown:

Claim 65. (Currently Amended) The method of claim 63 further comprising the step of:

providing an external processing manager for interfacing the ~~logistics management tool~~ with external data bases or other application programs.

Appl. No.: 09/315,680
Filed: May 20, 1999
Page 33

The Official Action provides in regard to Claim 66 that:

As per claim 66, lines 2-3, "the logistics management tool" lacks clear antecedent basis.

In accordance with the agreement reached in the telephone interview, Applicants hereby amend Claim 66 as shown:

Claim 66. (Currently Amended) The method of claim 63 further comprising the step of:

providing a device manager for interfacing ~~the logistics management tool~~ with external peripheral devices.

The Official Action provides in regard to Claim 71 that:

As per claim 71, line 3, "a" before "carrier" should be changed to -- said -- so as to make it clear that the "a carrier" recited on line 2 is being referred to. Also, on lines 5-6, "a" before "shipper" should be changed to -- said -- so as to make it clear that the "a shipper" recited on line 2 is being referred to."

In accordance with the agreement reached in the telephone interview, Applicants hereby amend Claim 71 as shown:

Claim 71. (Currently Amended) A logistics management ~~[[tool]]~~ system to facilitate the process of shipping goods by a shipper via a carrier, comprising:

a rate server, connected to a network, having a set of rules by which ~~[[a]]~~ said carrier transports;

a client application, connected to the network, having a set of rules by which ~~[[a]]~~ said shipper ships;

a supervisory server, connected to the network, with which said rate server and said client application register to facilitate communication of messages between said rate server and said client application independently of said supervisory server; and

an interface associated with at least one of said rate server and said client application which isolates the set of rules by which the shipper ships from the set of rules by which the carrier transports.

Appl. No.: 09/315,680

Filed: May 20, 1999

Page 34

Claim 79 is amended to overcome the rejection recited above:

Claim 79. (Currently Amended) The ~~[[tool]]~~ system of Claim 71, wherein the supervisory server engages an interprocess communication mechanism to facilitate a message passage between the rate server and the client application.

The Official Action provides in regard to Claims 81 (and 82) that:

As per claim 81 (and 82), lines 1-2, it is unclear how "the tool" comprises an external processing manager (a device manager) for interfacing the logistics management tool with external databases. Such a language renders the claim vague and indefinite.

In accordance with the agreement reached in the telephone interview, Applicants hereby amend Claims 81 and 82 as shown:

Claim 81. (Currently Amended) The ~~[[tool]]~~ system of Claim 79, further comprising an external processing manager for interfacing ~~the logistics management tool~~ with external data bases or other application programs.

Claim 82. (Currently Amended) The ~~[[tool]]~~ system of Claim 79, further comprising a device manager for interfacing ~~the logistics management tool~~ with external peripheral devices.

Claim 85 is amended as shown:

Claim 85. (Currently Amended) The ~~[[tool]]~~ system of Claim ~~[[40]]~~ 71, wherein the rate server is installed on a first computer system and wherein the client application is installed on a second computer system, the first and second computer systems communicating over a global-wide area network.

Claim 86 is amended for clarity purposes and as a result of further checking for antecedent basis issues to replace the term "tool" with - - system - - in the preamble and for proper introduction of the phrase "rules by which the user operates" in the last paragraph of this claim, as shown:

Claim 86. (Currently Amended - Third Time) A delivery management ~~[[tool]]~~ system, comprising:

at least one rate server having rate information based upon a set of rules by which a carrier delivers;

at least one client configured to collect input information from a user;

Appl. No.: 09/315,680

Filed: May 20, 1999

Page 35

at least one supervisory server including at least one computer configured to provide registration services to facilitate communication between the rate server and the client via a client/server architecture utilizing an interprocess communication mechanism, said communication being independent of said supervisory server; and

whereby [[the]]rules by which the user operates are isolated from the set of rules by which the carrier delivers.

The Official Action provides in regard to Claim 87 that:

As per claim 87, lines 1-2, "the computer processes" lacks clear antecedent basis.

In accordance with the agreement reached in the telephone interview, Applicants hereby amend Claim 87 as shown:

Claim 87. (Currently Amended) The [[tool]] system of Claim 86, wherein one or more of the computer processes are distributed across a network.

The Official Action provides in regard to Claim 99 that:

As per claim 99, line 8, "said registrar" lacks clear antecedent basis. Also on lines 15-16, "said registrar" lacks clear antecedent basis.

In accordance with the agreement reached in the telephone interview, Applicants hereby respectfully submit that an antecedent basis for "said registrar" at line 8 and lines 15-16 can be found in the second element of Claim 99, as shown in bold, below:

Claim 99. (Currently Amended) A logistics management [[tool]] system to facilitate the delivery of goods comprising:

a network architecture for passing messages;

a supervisory server having a registrar enabling communication with said network architecture;

at least one client application having a set of shipper rules and a first data processing service including a first registration service to register said client application with said registrar for establishing a line of communication between said client application and said network architecture, a first interface service to collect input data, generate a request message based on said input data and said set of shipper rules and display a response message, and a first message handling

Appl. No.: 09/315,680

Filed: May 20, 1999

Page 36

service to communicate said request message and said response message between said client application and said network architecture; and

at least one rate server having a set of carrier rules and a second data processing service including a second registration service to register said rate server with said registrar for establishing a line of communication between said rate server and said network architecture, a second interface service to generate said response message based on said set of carrier rules and said request message, and a second message handling service to communicate said request message and said response message between said rate server and said network architecture;

wherein said first and second message handling services enable communication between said at least one client application and said at least one rate server via said network architecture and isolate said set of carrier rules from said set of shipper rules.

Claim 100 is amended for clarity and as a result of further checking for antecedent basis issues as shown:

Claim 100. (Currently Amended) The logistics management method of claim 55, further comprising the step of providing at least one supervisory server configured to provide registration services to facilitate communication between the rate server and the client application.

The Official Action provides in regard to Claim 103 [and 104] that:

As per claim 103 [and 104], lines 2-3, "the package" lacks clear antecedent basis.

In accordance with the agreement reached in the telephone interview, Applicants hereby amend Claims 103 and 104 as shown:

Appl. No.: 09/315,680

Filed: May 20, 1999

Page 37

Claim 103. (Currently Amended) The ~~[[tool]]~~ system of Claim 27, wherein the messages comprise:

at least one predefined response message that includes a cost for shipping one or more ~~[[the]]~~ packages issued by the rate server to the client application.

Claim 104. (Currently Amended) The method of Claim 55, further comprising the step of:

issuing a response message by the rate server to the client application, wherein the response message includes a cost for shipping one or more ~~[[the]]~~ packages.

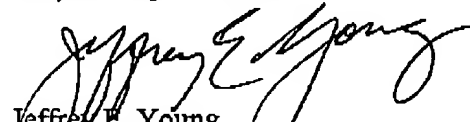
Conclusion

Applicants again wish to express their appreciation to Examiner Poinvil for his time to participate in the telephone interview on January 25, 2005 and his comments, suggestions and cooperation that led to many of the outstanding issues addressed in the Official Action.

If you have any questions or would like for us to provide a copy of the marked-up claims, please contact me at (404)-881-7857.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Jeffrey E. Young
Registration No. 28,490

Appl. No.: 09/315,680

Filed: May 20, 1999

Page 38

Customer No. 00826

ALSTON & BIRD LLP

Bank of America Plaza

101 South Tryon Street, Suite 4000

Charlotte, NC 28280-4000

Tel Atlanta Office (404) 881-7000

Fax Atlanta Office (404) 881-7777

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.


Leisha N. Richardson

2/2/05
Date